

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RAYMOND HEINY,

Plaintiff,

-against-

PRIMARY FINANCIAL SERVICES, L.L.C., et al.,

Defendants.

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**LINDSAY, Magistrate Judge:**

Before the court is the defendants' application seeking an order directing the plaintiff to conduct the deposition of the defendant Tim White by telephone or other remote means or, in the alternative, to reimburse the defendants for the fees and expenses that will be incurred if their counsel has to travel to Arizona. Although the plaintiff's counsel would not agree to conduct the deposition by video or telephone prior to the submission of this motion, plaintiff's counsel has not responded to this application. Motions to take the deposition of an adverse party by telephone or remote means are to be presumptively granted, and thus, absent opposition, the motion is granted. *See* Local Civil Rule 30.2.

Dated: Central Islip, New York  
June 26, 2012

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE ROSARIO LINDSAY  
United States Magistrate Judge